

## **REMARKS**

This Amendment is fully responsive to the non-final Office Action dated January 7, 2011, issued in connection with the above-identified application. Claims 1-10 and 12-14 are pending in the present application. With this Amendment, claims 1 and 12-14 are amended; claim 6 is cancelled without prejudice or disclaimer to the subject matter therein; and claim 15 is added. No new matter has been introduced by the amendments made to the claims or by the addition of claim 15. Favorable reconsideration is respectfully requested.

### **I. Interview Summary**

The Applicants thank Examiner Abbaszadeh for granting the telephone interview (hereafter “interview”) conducted on March 16, 2011, with the Applicants’ representative. During the interview, the distinguishable features between the present invention (as recited in independent claim 1) and the cited prior art were discussed in detail.

During the interview, it was noted that when the communication processing unit of the present invention (as recited in independent claim 1) receives a request for information from another communication device, the communication processing unit determines whether or not a response to the request is possible. The communication processing unit creates a response when it is determined that a response to the request is possible. However, the communication processing unit starts the main processing unit when the communication processing unit determines that a response to the request is not possible. Thus, even in a state where the power of a main processing unit is in an off state, an alive packet can be created and transmitted by the communication processing unit periodically.

Conversely, it was noted that Dea merely discloses that when a packet from the outside is received, a network interface controller (NIC) automatically responds to the packet or places the network station into an on state. Dea fails to disclose or suggest periodically transmitting information (i.e., an alive packet) regarding a service by a communication device when the communication device is in the sleep mode (i.e., when power to the main processing unit is stopped). That is, Dea fails to disclose that the NIC transmits an SAP packet when the station is in a sleep mode.

Although an agreement was not reached with regard to the distinguishable features between the present invention (as recited in independent claim 1) and the cited prior art noted above, an agreement was reached with regard to proposed claim amendments to more clearly

distinguish the present invention from the cited prior art. The Examiner agreed that incorporating the features of dependent claim 6 in the independent claims would distinguish the present invention from the cited prior art.

## **II. Rejections under 35 U.S.C. §102(b)**

In the Office Action, the Examiner has rejected claims 1-10 and 12-14 under 35 U.S.C. §102(b) as being anticipated by Dea et al. (U.S. Patent No. 5,742,833, hereafter “Dea”).

The Applicants have amended independent claims 1, 13 and 14 to more clearly distinguish the present invention from the cited prior art. The amendments made to independent claims 1, 13 and 14 are consistent with the claim amendments suggested by the Examiner during the interview conducted on May 16, 2011. For example, independent claim 1 (as amended) now recites the following features:

“[a] communication device for communicating via a network to provide a service to another communication device on the network, the communication device comprising:

a main processing unit operable to process a main service to be provided to the other communication device;

a communication processing unit operable to transmit and receive request information and response information corresponding to the request information with the other communication device via the network; and

a power supply unit operable to stop supplying power to said main processing unit while in a state of being able to supply the power again and operable to supply the power to said communication processing unit,

wherein said communication processing unit comprises:

a memory operable to store information required to create an alive packet which is transmitted periodically at a predetermined time and which indicates that the communication device is in a state of being able to provide the service, the required information including address information of the communication device, identification information of the communication device, and service information for the service provided by said main processing unit;

an alive packet transmitting unit operable to (i) read out, from said memory, at least the address information of the communication device and the service information, (ii) create the alive packet including the read out address information and service information, and (iii) transmit

the created alive packet;

a response possibility determining unit operable to determine whether or not said communication processing unit is individually able to respond to the request information received from the other communication device which has received the alive packet;

a response unit operable to create the response information and to transmit the response information to the other communication device, when the determination indicates that the response is possible;

a power supply controlling unit operable to start said main processing unit, to control said power supply unit, and to supply the power to said main processing unit, when the determination indicates that the response is not possible; and

an address management unit operable to store information indicating an address of the communication device and a term of validity of the address, and, when a period until expiration of the term of validity reaches a predetermined time, to start said main processing unit via said power supply controlling unit to supply the power to said main processing unit, and to cause said main processing unit to execute an update processing of the address,

wherein said alive packet transmitting unit creates and transmits the alive packet while said main processing unit is in a condition of not yet having power to provide a main service.” (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 13 and 14 (as amended). That is, independent claim 13 is a method claim that includes steps directed to the features emphasized above in independent claim 1; and independent claim 14 is device claim that includes the same features emphasized above in independent claim 1.

During the interview conducted on May 16, 2011, proposed claim amendments to more clearly distinguish the present invention from the cited prior art were discussed. The Examiner agreed that incorporating the features of dependent claim 6 in the independent claims would distinguish the present invention from the cited prior art. Accordingly, independent claims 1, 13 and 14 have been amended to include the features of independent claim 6, as suggested by the Examiner. Accordingly, independent claims 1, 13 and 14 should be clearly distinguished from the cited prior art without any additional comment being necessary.

Based on the above discussion, Dea fails to anticipate all the features recited in independent claims 1, 13 and 14 (as amended). Additionally, Dea fails to anticipate all the features recited in 2-5, 7-10 and 12 at least by virtue of their dependencies from independent claim 1.

Finally, new independent claim 15 includes the features of independent claim 1 and dependent claim 12. Accordingly, independent claim 15 is fully supported by the Applicants' disclosure. The features of claim 12 (now included in independent claim 15) are similar to those of claim 6 (now included in independent claim 1). Accordingly, independent claim 15 is believed to be distinguishable from the cited prior art for similar reasons noted above for independent claim 1 (as amended).

### **III. Conclusion**

In light of the above, the Applicants submit that all the claims pending in the present application are patentable over the prior art of record. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection in the Office Action, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any issues remaining in the present application.

Respectfully submitted,

Satoshi ITO et al.

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